

# Memorandum

**Date:** August 16, 2002

**Telephone:** (916) 653-0062

**File:** S:/projects/Russellcity/PMPD.doc

**To :** RUSSELL CITY ENERGY CENTER PROJECT SITING COMMITTEE:  
William J. Keese, Presiding Member  
Robert Pernell, Associate Member

**From :** California Energy Commission - Jack W. Caswell, Project Manager  
1516 Ninth Street  
Sacramento, CA 95814-5512

**Subject :** Comments on the Presiding Member's Proposed Decision for the Russell City Energy Center Project (01-AFC-07)

On July 31, 2002, the Presiding Member's Proposed Decision (PMPD) for Russell City Energy Center Project was released. The Notice of Availability directed the applicant, staff and intervenors to file written comments by August 16, 2002. Staff respectfully submits the following comments:

## **Facilities Design**

Page 48, Table #1, the Quantity column, "1 Lot" needs to be changed to "1 Lot"

Page 65, next to last paragraph, 2<sup>nd</sup> sentence change the second "will" to "with"

## **Transmission System Engineering**

Page 69, first paragraph, last sentence, change to reflect Appendix A of the FSA not AFC, and was sponsored by Jack Caswell, not Ajoy Guha.

## **Air Quality**

Staff urges the committee to reconsider their decision to remove the use of hand held PM10 monitors during construction. Though the proposed Conditions of Certification may reduce the construction generated PM10 impacts to levels below significance, without monitoring there will be no assurances that either the measures are sufficiently effective nor that the measures are being correctly implemented.

Staff believes that, because of recent advances in monitoring technology and recent scientific evidence regarding the significant health hazards of short term PM10 exposure, ambient PM10 monitoring is both reasonable and necessary on those projects likely to cause significant PM10 impacts during construction.

## **Biological Resources**

Page 134, line 2. Add “of” to the sentence beginning with A key aspect... so it would read: A key aspect of the plan is the purchase **of** an adjacent parcel for mitigation.

Page 140, line 3. The sentence reads: Staff agrees with the Applicant the installation of bird flight diverters... Delete “the” which precedes the words Applicant and installation. Replace “the” preceding the word installation with *that* so the sentence would read: Staff agrees with Applicant **that** installation of bird flight diverters on transmission line overhead ground wires would reduce the risk of collision to levels less than significant.

Page 141, Public Comment section, line 7. Howard Beckman’s comment was directed toward a specific area of project-related noise. His comment was specific to the proposed project’s **operational** noise and the potential impacts from operational noise on wildlife.

Page 142, Conclusions section, line 4. The sentence beginning with Staff indicates... refers to a plan. ... conceptually the *plan* appears sound... What *plan* is being referred to? Delete “but” which precedes the word specific. The sentence should read as follows: *Staff indicates that although a wetland mitigation plan proposed by Applicant appears sound, specific details concerning actions necessary to achieve desired objectives still need to be finalized.*

Page 143, Findings and Conclusions, item #3. The need for Applicant to Obtain a Biological Opinion from the USFWS is not mentioned in item 3. Construction associated with the proposed Wetland Mitigation Plan would occur in sensitive species habitat. Therefore, in addition to permits Applicant must obtain from the USACE and SFRWQCB for the fill of wetlands, the USFWS must also approve the Wetland Mitigation Plan before issuing a Biological Opinion for the proposed project. A Biological Opinion will be required for this project and the need for Applicant to obtain one should be mentioned in the Findings and Conclusions section. Add to the last sentence: Furthermore, because construction related activities associated with mitigating wetland fill would occur in sensitive species habitat, Applicant must also obtain a Biological Opinion from the USFWS. The sentence should read: *The Applicant, however, must obtain permits relating to wetland fill from the U.S. Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Furthermore, because construction related activities associated with mitigating wetland fill would occur in sensitive species habitat, Applicant must also obtain a Biological Opinion from the USFWS.*

Page 143, Findings and Conclusions, item #5. The Adaptive Management Plan is not mentioned as one of the mitigation measures necessary to protect sensitive species. The Adaptive Management Plan will outline contingency measures to be implemented should the proposed perch deterrent devices and landscaping prove ineffective. The Adaptive Management Plan is an important part of the overall mitigation strategy and should be included in the measures listed as sufficient to protect sensitive species in habitat near the project site. Change the second sentence so it would read: *Applicant will also limit landscaping trees to species that discourage avian predator*

### **Cultural Resources**

Page 162, Findings and Conclusions item #1. Because anything made by human beings is a cultural resource, it is probably more accurate to state, "No cultural resources known to be eligible to the California Register of Historic Resources exist in the project area."

### **Socioeconomics**

Page 204, first line in the first paragraph should be amended to be consistent with the last line of "Findings and Conclusions" and read: "...potential direct, indirect and cumulative impacts..."

Page 206, Executive order 12898 addresses minority and low-income populations. Also, reference is made to both minority and low-income populations further down in the same paragraph. Staff recommends that the first sentence of the second full paragraph be amended to say, "Minorities and people of color represent 64.71 percent and persons of low-income 7.2 percent (1990) of the population within a 6-mile radius of the project".

Page 208, Findings and Conclusions #6 should be amended to read: "The project will have no significant adverse impacts on minority or low-income populations."

### **Visual Resources**

Page 217, second paragraph, second sentence: The PMPD incorrectly states that a 1.1 mile portion of the existing Grant to East Shore 115-kV transmission line will be rebuilt to accommodate new 230-kV circuits. Rather, the approximately 1.1 mile long proposed 230-kV transmission line will primarily travel within the East Shore - Grant transmission line right-of-way, running parallel to the existing line before connecting with the East Shore Substation.

Page 219, third full paragraph, 2nd sentence: Revise as follows: At each KOP, the Staff conducted an assessment of the existing visual setting that considered the following elements: Visual Quality, Viewer Concern, and Viewer Exposure, which combine into a rating of Overall Visual Sensitivity.

Page 219, third full paragraph, 4th sentence: Revise as follows: To assess the visual changes that the project would cause, Staff considered the following factors: Contrast, Dominance, and View Blockage, which combine into a rating of Overall Visual Change.

Page 221, last paragraph, second sentence: Insert "a" before the word "large"

Page 225, third paragraph, first sentence: Insert the word "into" after the word "entered"

Page 230, Finding #4: "...help the project visually relate it to its immediate setting" should be change to "...help visually relate the project to its immediate setting"

Page 230, Finding #5: It would be more accurate to state that "The City of Hayward has adopted a mitigated negative declaration which determined relocation of the KFOX radio towers would not cause significant, unmitigated visual impacts." The statement in the

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PMPD that the towers "will not seriously hinder community enjoyment of the shoreline trail" is paraphrasing a statement made by City Manager Jesus Armas in a letter to the Energy Commission dated February 22, 2002 providing the City's comments on Energy Commission staff's environmental analysis of the tower relocation.

Page 230, Finding #10: change "does comply" with "will comply"

Page 233, Condition of Certification VIS-3: Please fix the numbering in the Protocol so "Specification, and 11"x17" color simulations..." is item number 1 under the treatment plan. Adjust subsequent numbers accordingly.

Page 237, Condition of Certification VIS-9, first sentence: change "Prior to the first commercial operation..." to "Prior to commercial operation..."

Page 237, Condition of Certification VIS-9, fourth sentence: change "would allow" to "will allow"

Page 238, Condition of Certification VIS-10, third sentence: change "Consistent with Measure 1..." to "Consistent with Measure 2..."

Page 239, Condition of Certification VIS-11, item #4: change "Attachment 1" to "Appendix VR-3"

cc: Russell City Energy Center Project POS list